

Leamington Mennonite Home
Long Term Care

POLICY AND PROCEDURE

CATEGORY: Personnel	SUBJECT: Leave of Absence – Domestic or Sexual Violence	SECTION: L
DATE: June 2018	Administrator's Signature: 	POLICY: 5

LEAVE OF ABSENCE – DOMESTIC OR SEXUAL VIOLENCE

POLICY:

According to the “Fair Workplaces, Better Jobs Act (2017)” allows employees who are dealing with or fleeing from domestic or sexual violence against themselves or their children to take job-protected and partially paid leave to do so.

PURPOSE:

The new domestic or sexual violence leave allows an employee to take a job-protected leave of absence from work if the employee or the employee’s child experience or are threatened with domestic or sexual violence and the employee takes the leave for specific reasons related to the violence.

Employees who have worked for the employer for at least 13 weeks prior to taking the leave may take up to 10 days and up to 15 weeks of leave within a calendar year. The first five days of leave taken within the calendar year are paid, the remainder of the leave is unpaid.

PROCEDURE:

An employee is eligible to take domestic or sexual violence leave if:

- The employee has been employed by the employer for at least 13 weeks before taking the leave
- The employee or the employee’s child has experienced or been threatened with domestic or sexual violence
- The employee needs to take the leave for specific, limited purposes

An employee can take domestic or sexual violence leave to do the following things, either on their own behalf or if their child has experienced or been threatened with domestic or sexual violence:

- To seek medical treatment for an injury or disability caused by the violence
- To access services from a victim services organization
- To seek professional counselling related to the violence
- To move, permanently or temporarily
- To seek law enforcement assistance, which can include making a police report or participating in criminal or civil legal proceedings resulting from the violence

The employee must give notice to the employer if they intend to take or take the leave, or if this is not possible, notice must be given as soon as possible after the leave is started. However, failure to give notice will not disentitle the employee to domestic or sexual violence leave. Notice that the employee will be taking leave from the 10-day entitlement may be given orally or in writing; however, notice that the employee will be taking leave from the 15- week entitlement must be in writing.

Employees are entitled to receive domestic or sexual violence leave pay for the first five days of the calendar year that they took domestic or sexual violence leave. The employer cannot choose the days of domestic or sexual violence leave that will be paid. The rest of the domestic or sexual violence leave days or weeks an employee may take in a calendar year are unpaid.

Employees are entitled to receive domestic or sexual violence leave pay only for the hours that they did not work because they were taking the leave. If an employee normally works eight hours in a day and missed an entire day, the employee would be entitled to either eight hours or a day's pay, depending on how they are paid.

If an employee missed three hours of work to take domestic or sexual violence leave, but worked five hours, the employee is entitled to three hours of domestic or sexual violence leave pay and regular pay for the other five hours.

Note that an employer may count a part-day of domestic or sexual violence leave as a full day for the purposes of the employee's entitlement for the calendar year to the leave.